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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,160	08/01/2005	Masanori Itoh	OKUDP0122US	8436
51921	7590	09/14/2010	EXAMINER	
MARK D. SARALINO (PAN)			ANYIKIRE, CHIKAODILI E	
RENNER, OTTO, BOISSELLE & SKLAR, LLP				
1621 EUCLID AVENUE			ART UNIT	PAPER NUMBER
19TH FLOOR			2621	
CLEVELAND, OH 44115				
			MAIL DATE	DELIVERY MODE
			09/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/544,160	ITOH ET AL.	
	Examiner	Art Unit	
	CHIKAODILI E. ANYIKIRE	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 August 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 01 August 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This application is responsive to application number (10/544160) filed on August 1, 2005. Claims 1-19 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed June 24, 2010 have been fully considered but they are not persuasive.

The applicant argues that Asada does not teach the data units (Remarks of June 24, 2010, page 9 lines 1 – 11). The examiner respectfully disagrees. The applicant acknowledges that Asada teaches time ranges and the examiner feels that it discloses the claim limitations as they are stated currently. Data units are known in video encoding and video recording such as frames and apply to the information disclosed by Asada.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19 rejected under 35 U.S.C. 102(b) as being anticipated by Asada et al (US 6,272,286).

As per **claim 1**, Asada discloses a method for selectively recording a first data stream in a first format, not a second data stream in a second format, on a storage medium, wherein each said data stream is an arrangement of a plurality of data units, each including compressed and encoded video data, and wherein in the first format, a first time range is set to define a permissible variation in the video playback duration of the respective data units, and wherein in the second format, a second time range is set to define a permissible variation in the video playback duration of the respective data units, the method comprising the steps of:

receiving a content representing the video (Fig 21 element 1403; column 17 lines 7 - 10);

generating the compressed and encoded video data of the content (Fig 21 element 1404; column 16 lines 59 – 64 and column 17 lines 11-20);

making the data units out of the video data such that the playback duration of each said data unit falls within both of the first and second time ranges (column 6 lines 44 – 48); and

recording the first data stream, including the data units, on the storage medium (Fig 21 element 1404; column 16 lines 59 – 64 and column 17 lines 11-20).

As per **claim 2**, Asada discloses the recording method of claim 1, wherein the first time range includes a time range for a first terminal data unit, which is located at the end of the first data stream, and a time range for the data units other than the first terminal data unit, and wherein the second time range includes a time range for a

second terminal data unit, which is located at the end of the second data stream, and a time range for the data units other than the second terminal data unit, and wherein the step of making the data units includes making the terminal data units such that the playback duration of each said terminal data unit falls within the respective time ranges of both the first and second terminal data units (column 6 lines 44 – 48; Asada suggests that there are multiple video object units that have time ranges falling within a first time range and a second time range depending on their location in the bitstream).

As per **claim 3**, The recording method of claim 2, wherein if the playback duration of a data unit being made when the first data stream finishes being recorded is less than the minimum value of the playback duration of the terminal data unit that falls within both of the two time ranges, the step of making the data units includes combining the data unit being made with its previous data unit, thereby making the terminal data unit, of which the playback duration is the minimum value of the two time ranges (column 6 lines 44 – 48 and column 19 lines 15 – 30).

As per **claim 4**, Asada discloses the recording method of claim 1, further comprising the step of generating management information about the amount of data and the number of pictures included in each said data unit, wherein the step of recording includes recording the management information on the storage medium as a different data stream from the first data stream (column 16 lines 48 – 60).

As per **claim 5**, Asada discloses the recording method of claim 2, wherein the time range for the first terminal data unit is 0 second through 1 second, and the time

range for the second terminal data unit is 0.4 second through 1.2 seconds (column 6 lines 44 – 48).

As per **claim 6**, Asada discloses the recording method of claim 5, wherein the time range for the data units other than the first terminal data unit and the time range for the data units other than the second terminal data unit are both 0.4 second through 1.0 second (column 6 lines 44 – 48).

As per **claim 7**, Asada discloses the recording method of claim 1, wherein the first time range is 0 second through 1 second, and the second time range is 0.4 second through 1.2 seconds (column 6 lines 44 – 48).

As per **claim 8**, Asada discloses the recording method of claim 2, wherein if the playback duration of a data unit being made when the first data stream finishes being recorded is less than the minimum value of the playback duration that falls within both of the two time ranges, then the step of making the data units includes discarding the data unit being made (column 6 lines 44 – 48 and column 19 lines 15 – 30).

As per **claim 9**, Asada discloses the recording method of claim 2, wherein the step of making the data units includes receiving an instruction to stop recording the first data stream and if the playback duration of a data unit being made when the instruction is received is less than the minimum value of the playback duration that falls within both of the two time ranges, continuing recording until the playback duration reaches the minimum value (column 6 lines 44 – 48 and column 19 lines 15 – 30)..

Regarding **claim 10**, arguments analogous to those presented for claim 1 are applicable for claim 10.

Regarding **claim 11**, arguments analogous to those presented for claim 2 are applicable for claim 11.

Regarding **claim 12**, arguments analogous to those presented for claim 3 are applicable for claim 12.

Regarding **claim 13**, arguments analogous to those presented for claim 4 are applicable for claim 13.

Regarding **claim 14**, arguments analogous to those presented for claim 5 are applicable for claim 14.

Regarding **claim 15**, arguments analogous to those presented for claim 6 are applicable for claim 15.

Regarding **claim 16**, arguments analogous to those presented for claim 7 are applicable for claim 16.

Regarding **claim 17**, arguments analogous to those presented for claim 8 are applicable for claim 17.

Regarding **claim 18**, arguments analogous to those presented for claim 9 are applicable for claim 18.

Regarding **claim 19**, arguments analogous to those presented for claim 1 are applicable for claim 19.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

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